HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 22961 of 2007

Dated: 01-11-2007

Between:

K.Satyanarayana and another

..... PETITIC

AND

The Superintendent of Police,
Ranga Reddy District and 2 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 22961 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to declare the action of respondent No.3 in issuing the eviction notices dated 08-10-2007 to the petitioners directing them to vacate the houses bearing No.C-194 and C-195, Phase-II, Vanastalipuram, Ranga Reddy District without the consent of respondent Nos. 1 and 2 as illegal, arbitrary and against the principles of natural justice.

The two premises bearing Nos.C-194 and C-195, phase-II, Vanasthalipuram, belong to respondent No.3 and were in possession of respondent No.1 having been handed over by respondent No.3 for establishment of a Police Station in the year 1978 on lease basis. In the year 2000, an alternative land was allotted to respondent No.1 for construction of a new Police Station building. However, it appears that at the request of respondent No.1, respondent No.3 permitted the said two buildings to be used for interrogation purpose. The petitioners pleaded that from 11-04-2001, at their request, respondent No.1 permitted them to reside in the said buildings on payment of rent and that they were continuing to pay the rent to respondent No.3. A notice was issued by respondent No.3 for auctioning the two houses and questioning the said notice, the petitioners filed W.P.No.19296 of 2007. This Court declined to interdict the proposed auction.

The present writ petition is filed questioning the notices dated 08-10-2007 issued to the petitioners herein calling upon them to vacate the two houses and handover peaceful possession to the Assistant Estate Officer, Vanastalipuram on or before 01-11-2007.

Heard Sri Raja Reddy, learned counsel for the petitioners and Sri M.Srinivasa Rao, representing Sri M.Surendra Rao, standing counsel for Hyderabad Urban Development Authority.

A perusal of the impugned notices shows that for the purpose of establishment of Police Station, the two houses were handed over to the

Police Department in the year 1978, that an extent of 500 square yards of land was allotted to the District Police Administration in the year 2000 and that pucca buildings were constructed for running Police Station and staff quarters. It further discloses that respondent No.3 requested respondent No.1 to vacate the two buildings, but at the request of respondent No.1, respondent No.3 permitted them to retain the two houses for interrogation purpose and possession was thus continued with respondent No.1. It is alleged in the notice that possession of petitioners is unauthorized and that in the auction conducted on 13-09-2007 the property was disposed of and on receipt of the balance sale price, vacant possession is required to be delivered to the auction purchaser.

Sri K.Raja Reddy, learned counsel for the petitioners submitted that respondent No.3 was not justified in seeking eviction of the petitioners without the consent of respondent No.1. He also submits that it is respondent No.1, who handed over possession to them and therefore, respondent No.3 has no power and authority to issue notice.

I have considered the submission of the learned counsel for the petitioners and I am not inclined to accept the same.

The petitioners have not denied the correctness of the contents of the notices dated 08-10-2007 to the extent that the property belongs to respondent No.3, which was handed over to the Police Administration for establishment for a Police Station and that an extent of 500 square yards was allotted for construction of Police Station and Police Quarters in the year 2000-2001 and with the permission of respondent No.3, respondent No.1 was allowed to retain the possession of the two houses for the purpose of interrogation. These facts clearly establish that the use of the two buildings by the petitioners for residential purpose is not authorized by respondent No.3. It is not the case of the petitioners that respondent No.1 holds a valid lease from respondent No.3 under which they are entitled to continue in possession. In the absence of any legal right in the petitioners and in the face of their admission that respondent No.3 is the lawful owner of the property, the petitioners have no semblance of justification to question the entitlement of respondent No.3 to take possession of the land. Moreover, the petitioners were unsuccessful in getting the auction stayed though they have questioned the auction notification by filing W.P.No.19296 of 2007. The impugned

notification is a logical consequence of holding auction by respondent No.3.

It is clear from the notices impugned in this writ petition that the property was already purchased in the auction and respondent No.3 is required to deliver possession to him.

In the above circumstances, I do not see any reason to interfere with the notices impugned in this writ petition.

However, the petitioners are permitted to vacate the premises in their respective occupation on or before 15-11-2007 subject to the condition that within two days they shall file an undertaking before the Secretary, Hyderabad Urban Development Authority to the effect that they will handover vacant possession of the property in their occupation on or before 15-11-2007.

With the above direction, the writ petition is dismissed. No costs.

C.V.NAGARJUNA REDDY,J

Date: 01-11-2007

Note : Issue C.C. by tomorrow.

B/o

KLP